

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF WISCONSIN

CUC HUYNH,

Plaintiff,

v.

Case No.: 18-CV-1222

MICHAEL TRUAX, Deputy for the Milwaukee
Sheriff's Department, JOHN DOE #1 and
other unnamed members of the Milwaukee
County Sheriff's Dept.,

Defendants.

**DEFENDANT MICHAEL TRUAX'S RESPONSE TO
MOTION TO WITHDRAW AS ATTORNEY (ECF NO. 61)**

Defendant, Michael Truax, by and through his attorneys, Crivello Carlson, S.C., respectfully submits this Response to Motion to Withdraw as Attorney, (ECF No. 61.)

Approximately one month after opposing Defendant's Motion to Dismiss for Failure to Prosecute, counsel for Plaintiff has—for the second time—asked to withdraw from this case, which has now been pending for three-and-one-half years. *See* (ECF Nos. 1, 44, 59, 61.) As discussed in Defendant's Brief and Reply Brief¹ in support of his Motion to Dismiss and in opposition to Plaintiff's Motion to Extend Time to Name Experts and Disclose Expert Reports, the discovery posture of this

¹ Defendant hereby incorporates by reference the procedural background and arguments set forth in those briefs as relevant here. *See* (ECF Nos. 57, 60.)

case has remained unchanged since April 2019, nearly two years ago. *See* (Decl. of Benjamin A. Sparks, Dec. 6, 2021, ¶¶ 2–3, ECF No. 58.)

The pattern of motions to extend time coupled with motions to withdraw is not unique to this case, *see, e.g., Moten v. InSinkErator*, Case No. 19-CV-908, 2021 WL 2383235 (E.D. Wis. June 9, 2021), and the lack of any meaningful movement in this case has prejudiced Defendant. For all of the same reasons stated in Defendant's briefing in support of his Motion to Dismiss and in opposition to Plaintiff's most recent pending Motion to Extend Time to Name Experts and Disclose Expert Reports, the Court should deny the Motion to Withdraw.

Based on the foregoing and the previous submissions in the record, Defendant, Michael Truax, respectfully requests that the Court deny the Motion to Withdraw, and grant Defendant's Motion to Dismiss for failure to prosecute and dismiss this case in its entirety, on its merits, and with prejudice, awarding such other costs, fees, and disbursements that the Court deems just.

Dated this 18th day of February, 2022.

CRIVELLO CARLSON, S.C.
Attorneys for Defendant, Deputy Michael Truax

By: s/ Benjamin A. Sparks
SAMUEL C. HALL, JR. (SBN: 1045476)
BENJAMIN A. SPARKS (SBN: 1092405)

P.O. ADDRESS:
710 N. Plankinton Avenue #500
Milwaukee, WI 53203
Phone: 414-271-7722
Email: shall@crivellocarlson.com
bsparks@crivellocarlson.com